

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

GARY HIRST,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

USDC-SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC#:  
DATE FILED: 4-6-20

No. 19-CV-8512 (RA)

ORDER

RONNIE ABRAMS, United States District Judge:

Petitioner, proceeding *pro se*, brings this action pursuant to 28 U.S.C. § 2255 to vacate, set aside, or correct his sentence. The Court is now in receipt of Petitioner's motion for a default judgment. *See* Dkt. 10. For the reasons that follow, Petitioner's motion is denied.

Petitioner filed his motion to vacate, set aside, or correct his sentence on September 10, 2019. Dkt. 1. On September 18, 2019, the Court ordered the Government to answer within sixty days of that Order, and directed all filings to include the criminal docket number, No. 16-cr-371, and be docketed in the criminal case. Dkt. 3. Upon receipt of the Government's November 15, 2019 letter indicating its intent to submit affidavits from Petitioner's prior counsel, however, the Court ordered the Government to serve Petitioner with an attorney-client privilege waiver, Petitioner to execute and return that waiver, prior counsel to submit affidavits within 30 days of the receipt of the executed waiver, and the Government to respond within 30 days of the receipt of counsel's affidavits. *See* Dkt. 5. Petitioner's prior counsel filed affidavits on January 10, 2020 and February 17, 2020, and the Government filed its opposition to Petitioner's motion on March 17, 2020. *See* No. 16-cr-371, Dkts. 838, 859, 871. Although the Government's opposition and supporting affidavits were filed only on the criminal docket, the Government did indeed timely

respond to Petitioner's § 2255 motion. Petitioner's request for a default judgment is therefore denied. To avoid confusion going forward, all further filings must include *both* the civil habeas docket number, No. 19-cv-8512, and the criminal docket number, No. 16-cr-371, and be docketed in both cases.

Petitioner shall file any response to the Government's opposition no later than June 5, 2020. Absent further order, the motion will be considered fully submitted as of that date.

The Government shall serve a copy of this Order on Petitioner and file proof of service on the docket.

SO ORDERED.

Date: April 6, 2020  
New York, New York



---

RONNIE ABRAMS  
United States District Judge